

By: Zaffirini

S.B. No. 838

A BILL TO BE ENTITLED

AN ACT

relating to certain images captured by an unmanned aircraft.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 423.002(a), Government Code, is amended to read as follows:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, including a person who:

(A) is a professor, employee, or student of the institution; or

(B) is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) as part of an operation, exercise, or mission of any branch of the United States military;

(4) if the image is captured by a satellite for the

purposes of mapping;

(5) if the image is:

(A) captured by a person operating the unmanned aircraft:

(i) for a commercial purpose; and

(ii) in compliance with Federal Aviation Administration regulations or exemptions; and

(B) reasonably related to the commercial purpose, including images captured for purposes of navigation or public safety ~~[captured by or for an electric or natural gas utility;~~

~~[(A) for operations and maintenance of utility facilities for the purpose of maintaining utility system reliability and integrity;~~

~~[(B) for inspecting utility facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;~~

~~[(C) for assessing vegetation growth for the purpose of maintaining clearances on utility easements; and~~

~~[(D) for utility facility routing and siting for the purpose of providing utility service];~~

(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;

(7) pursuant to a valid search or arrest warrant;

(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

1 (A) in immediate pursuit of a person law
2 enforcement officers have reasonable suspicion or probable cause to
3 suspect has committed an offense, not including misdemeanors or
4 offenses punishable by a fine only;

5 (B) for the purpose of documenting a crime scene
6 where an offense, not including misdemeanors or offenses punishable
7 by a fine only, has been committed;

8 (C) for the purpose of investigating the scene
9 of:

10 (i) a human fatality;

11 (ii) a motor vehicle accident causing death
12 or serious bodily injury to a person; or

13 (iii) any motor vehicle accident on a state
14 highway or federal interstate or highway;

15 (D) in connection with the search for a missing
16 person;

17 (E) for the purpose of conducting a high-risk
18 tactical operation that poses a threat to human life; or

19 (F) of private property that is generally open to
20 the public where the property owner consents to law enforcement
21 public safety responsibilities;

22 (9) if the image is captured by state or local law
23 enforcement authorities, or a person who is under contract with or
24 otherwise acting under the direction or on behalf of state
25 authorities, for the purpose of:

26 (A) surveying the scene of a catastrophe or other
27 damage to determine whether a state of emergency should be

1 declared;

2 (B) preserving public safety, protecting
3 property, or surveying damage or contamination during a lawfully
4 declared state of emergency; or

5 (C) conducting routine air quality sampling and
6 monitoring, as provided by state or local law;

7 (10) at the scene of a spill, or a suspected spill, of
8 hazardous materials;

9 (11) for the purpose of fire suppression;

10 (12) for the purpose of rescuing a person whose life or
11 well-being is in imminent danger;

12 (13) ~~[if the image is captured by a Texas licensed real~~
13 ~~estate broker in connection with the marketing, sale, or financing~~
14 ~~of real property, provided that no individual is identifiable in~~
15 ~~the image,~~

16 ~~[(14)]~~ of real property or a person on real property
17 that is within 25 miles of the United States border;

18 (14) ~~[(15)]~~ from a height no more than eight feet
19 above ground level in a public place, if the image was captured
20 without using any electronic, mechanical, or other means to amplify
21 the image beyond normal human perception;

22 (15) ~~[(16)]~~ of public real property or a person on
23 that property;

24 (16) ~~[(17)] if the image is captured by the owner or~~
25 ~~operator of an oil, gas, water, or other pipeline for the purpose of~~
26 ~~inspecting, maintaining, or repairing pipelines or other related~~
27 ~~facilities, and is captured without the intent to conduct~~

~~surveillance on an individual or real property located in this state,~~

~~[~~(18)~~] in connection with oil pipeline safety and rig protection; or~~

~~(17) [~~(19)~~] in connection with port authority surveillance and security[~~

~~(20) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image; or~~

~~(21) if the image is captured by a professional engineer licensed under Subchapter C, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image].~~

SECTION 2. This Act takes effect September 1, 2017.